

BOARD OF APPEALS CASE NO. 5335

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BEFORE THE

APPLICANT: Joseph & Susan Carlozo

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ZONING HEARING EXAMINER

**REQUEST: Variance to locate a garage within the
required front yard setback in the RR District;
2216 Furnace Road, Fallston**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 3/26/03 & 4/2/03

HEARING DATE: May 5, 2003

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Record: 3/28/03 & 4/4/03

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Joseph and Susan Carlozo, are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code, to allow an attached garage within the required 40-foot front yard setback (proposed average of 36-feet) in an RR/Rural Residential District.

The subject parcel is located at 2216 Furnace Road, Fallston, MD 21047 and is within the Quiet Inheritance subdivision. The parcel is more particularly identified on Tax Map 31, Grid 4F, Parcel 191, Lot 90. The parcel consists of 1.0 acres more or less, is zoned RR and is entirely within the Fourth Election District.

The Applicant, Joseph Carlozo appeared and testified that his house fronts on Glen Oak and Furnace Roads. Originally, when his lot was recorded, Glen Oak was a subdivision right of way that resulted in his parcel being subject to two front yard setbacks. However, the right-of-way has since been eliminated and that side of the lot is actually a side yard setback although the recorded lot remains as originally configured with two front yards. The home is two stories and is improved by a pool. The existing home has no garage and the Applicants propose to construct a 3-car garage measuring 16 feet by 32 feet. The garage will be used to store personal automobiles and belongings. Other homes have three car garages and two-car garages dominate the neighborhood. The Applicant described an unfortunate incident that cost \$7000 in repairs when one of his automobiles, while parked outside, was struck by lightning. The Applicant stated that his property was unique in that it is subject to two front yard setbacks while one of those has actually been eliminated.

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If this were recorded as a side yard, no variance would be necessary for this garage. The Applicant thought the garage would provide improved storage, enhance the property value of his home and those of the surrounding properties, eliminate outside parking and storage and would have a positive, rather than an adverse negative impact on adjacent properties.

Mr. Anthony McClune appeared on behalf of the Department of Planning and Zoning (Department). Mr. McClune agreed that this was a unique situation in that, while the lot is recorded as one with two front yards, subsequent events have actually eliminated one of those front yards. Actually re-recording the deed and plat to reflect the current configuration would be a costly endeavor for the Applicant and relief, in Mr. McClune's opinion, is better granted by way of this minor variance. In recommending approval of the request, the Department seeks 4 conditions of approval.

CONCLUSION

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code, to allow an attached garage within the required 40-foot front yard setback (proposed average of 36-feet) in an RR/Rural Residential District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner agrees that the parcel is unique. While recorded as a lot with two front yards, subsequent events have actually eliminated one of those front yards and now, that side of the subject parcel actually serves as a side yard. Treating this as a side yard would allow the Applicant to construct the proposed garage without the need for a variance.

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It would clearly be an unreasonable hardship to require this Applicant to seek recordation and bear the associated expense of a survey and plat recording if relief can be granted in a manner that does justice to both the Applicant and the Zoning provisions of Harford County.

Finding the property unique and the proposal compatible with the neighborhood, adjacent properties and associated uses and consistent with the provisions of the Harford County Code, the Hearing Examiner recommends approval of the request, subject to the following conditions:

1. The Applicants obtain any and all necessary permits and inspections.
2. The garage not be used as living quarters.
3. The garage not be used in furtherance of a business.
4. The garage shall not be used for the storage of contractor's equipment or commercial vehicles.

Date MAY 21, 2003

William F. Casey
Zoning Hearing Examiner